

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IRMA MARQUEZ,  
-vs-

Index No. 08 CV 4903  
(J. Robinson)

THE CITY OF YONKERS, ET. AL.,

STATE OF NEW YORK )  
COUNTY OF NEW YORK )

Undersigned deponent, being duly sworn deposes and says that said deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. Deponent served the within process as follows:

**PROCESS SERVED: SUMMONS, JURY TRIAL DEMAND and COMPLAINT**

**PARTY SERVED: THE CITY OF YONKERS c/o CORPORATION COUNSEL**

**LOCATION OF SERVICE:** 40 South Broadway  
Yonkers, NY 10701

**PARTY ACCEPTING SERVICE:** Nicole Greco, Law Department Clerk  
**DATE OF SERVICE:** 6/05/08      **TIME OF SERVICE:** 1:43 p.m.

An approximate description of the person served with process listed herein:

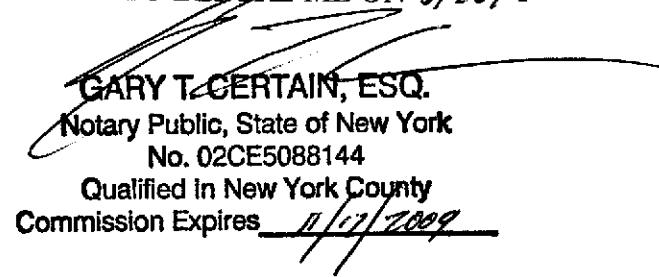
**SEX: F SKIN COLOR: White HAIR: Brown AGE: 36 HEIGHT: 5'6"**  
**WEIGHT: 138 OTHER FEATURES: Blue eyes.**

Deponent further states that the within process was served in the following manner:

By delivering to and leaving with the above named person who is the authorized agent of said Government Agency.

  
ERIC AVERBACH  
NYC Lic. #918927

SWORN TO BEFORE ME ON 6/26/2008

  
GARY T. CERTAIN, ESQ.  
Notary Public, State of New York  
No. 02CE5088144  
Qualified in New York County  
Commission Expires 1/17/2009

**AO 440 (Rev. 8/01) Summons in a Civil Action**

## RETURN OF SERVICE

Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE <u>6/05/08</u>
NAME OF SERVER (PRINT) <u>Eric Averbach</u>	TITLE <u>Process Server</u>

*Check one box below to indicate appropriate method of service*

Served personally upon the defendant. Place where served:

## Business

Left copies thereof at the defendant's ~~residence~~ or usual place of ~~abode~~ with a person of suitable age and discretion ~~thereholding~~ therein.

Name of person with whom the summons and complaint were left: **The City of Yonkers c/o Corporation Counsel  
Nicole Greco**

Returned unexecuted:

Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL \$XXXX.00
		\$40.00

## **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 6/26/08 \_\_\_\_\_  
Date

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**Signature of Server**

21446 Rockefeller Center NY, NY  
Address of Server

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**Address of Server**

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

SOUTHERN

District of

NEW YORK

IRMA MARQUEZ

v

08

SUMMONS IN A CIVIL ACTION

CASE NUMBER

08 CV 4903

JUDGE ROBINSON

THE CITY OF YONKERS, CITY OF  
YONKERS POLICE DEPARTMENT,  
POLICE OFFICER WAYNE SYMOES,  
POLICE OFFICER STEPHEN WALLIN,  
POLICE OFFICER JOHN LIBERATORE,  
POLICE OFFICER TODD MENDELSON,  
DEPUTY CHIEF EDWARD GEISS,  
DETECTIVE JAMES J. McCABE, POLICE  
OFFICER RANCE HOWARD, POLICE  
OFFICER INTERVALLE, POLICE  
OFFICER ESTEVEZ,

TO: THE CITY OF YONKERS  
40 SOUTH BROADWAY  
YONKERS, NEW YORK 10701

YOU ARE HEREBY SUMMONED and required to serve on Plaintiff's Counsel, Certain & Zilberg, PLLC 535 Fifth Avenue, New York, New York 10017.

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

MAY 28 2008

J. MICHAEL McMAHON

CLERK

*Catherine Lappley*

(By) DEPUTY CLERK

DATE